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July 24, 2018

Via Electronic Submission

National Freedom of Information Officer,
United States Environmental Protection Agency,
1200 Pennsylvania Avenue, NW (2822T),
Washington, DC 20460.

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Fiat Chrysler Automobiles N.V. ("FCA NV"), FCA US LLC ("FCA US"), V.M. Motori S.p.A. ("V.M. Motori"), and V.M. North America, Inc. ("V.M. North America") (collectively, "FCA") hereby request that the United States Environmental Protection Agency ("EPA") produce the following documents, from any and all EPA offices where they are located:¹

1. All documents concerning the emissions testing, whether on a dynamometer or on-road, of Model Year 2014–2016 Jeep Grand Cherokee and Ram 1500 vehicles equipped with an "EcoDiesel" 3.0 Liter V6 engine (the "Vehicles"), by or on behalf of the EPA's Office of Transportation and Air Quality ("OTAQ"), including but not limited to test data, procedures, results, and protocols, all emissions and test parameter data collected by OTAQ's test cell controller ("PUMA") computer, and the EPA's policies, practices, and procedures for conducting such testing.
2. All documents concerning emissions testing, whether on a dynamometer or on-road, of vehicles by or on behalf of the EPA conducted pursuant to OTAQ's letter to automobile manufacturers, CD-15-24 (LDV), dated September 25, 2015, including but not limited to test data, procedures, results, and protocols, and all emissions and test parameter data collected

¹ Unless otherwise specified, the responsive period for this request is from January 1, 2010, through the date of this request.

by OTAQ's test cell controller ("PUMA") computer, and the EPA's policies, practices, and procedures for conducting such testing.

3. All documents concerning the EPA's policies, practices, and procedures for testing or evaluating vehicle emissions in conditions not substantially included in any of the test cycles that the EPA requires in order for a vehicle or engine to receive a COC.²
4. All documents concerning the EPA's policies, practices, and procedures for reviewing and approving applications for COCs, including but not limited to policies, practices, and procedures for reviewing and approving disclosures of Auxiliary Emissions Control Devices ("AECDs"), as defined in 40 C.F.R. § 86.1803-01.
5. All documents concerning the use, limitations, accuracy, precision, reproducibility, or reliability of Portable Emission Measurement System ("PEMS") testing,³ including but not limited to documents concerning PEMS testing of light-duty vehicles, as defined in 40 C.F.R. § 86.1803-01, with diesel engines ("Light-Duty Diesel Vehicles") conducted by or on behalf of or provided to the EPA.
6. All documents concerning application of the definition of AECD in 40 C.F.R. § 86.1803-01, including but not limited to (i) documents and communications concerning whether a calibration falls within the definition of AECD defined in 40 C.F.R. § 86.1803-01; and (ii) all documents and communications with or concerning the work group of representatives from the EPA, the California Air Resources Board, the Engine Manufacturers Association, and vehicle manufacturers concerning AECDs (including but not limited to AECD identification and disclosure requirements).
7. All documents concerning EPA guidance or public communications concerning AECDs or Defeat Devices, as defined in 40 C.F.R. § 86.1803-01.

² "COC" means a Certificate of Conformity issued by the EPA pursuant to 42 U.S.C. § 7525 for motor vehicles that satisfy applicable emission standards ("COC").

³ "Portable Emission Measurement System" or "PEMS" means a measurement system consisting of portable equipment that can be used to generate brake-specific emission measurements during field testing or laboratory testing.

8. All documents concerning any bonuses or other compensation paid to any EPA employee in connection with any enforcement action or investigation concerning Light-Duty Diesel Vehicles.
9. All documents concerning any awards given to EPA employees in connection with any enforcement action concerning Light-Duty Diesel Vehicles.
10. All documents concerning any statements about any enforcement actions concerning Light-Duty Diesel Vehicles, including statements by former EPA Administrator Gina McCarthy, at any "All-Hands" meetings of EPA employees.
11. All documents concerning any internal directives or policies issued by the EPA following the announcement of the EPA's enforcement action against Volkswagen AG concerning the alleged existence of defeat devices in certain Light-Duty Diesel Vehicles.
12. All e-mails written by, sent to, or copying the individuals listed in Appendix A to this Request concerning AECDs, Defeat Devices, FCA, the Vehicles, or Light-Duty Diesel Vehicles.
13. All communications with Original Equipment Manufacturers, as defined in 40 C.F.R. § 86.1803-01, concerning the definitions of "Auxiliary Emission Control Device," as reflected in 40 C.F.R. § 86.1803-01, and "Defeat Device," as reflected in 40 C.F.R. § 86.1803-01, in connection with the certification of diesel vehicles, including but not limited to communications concerning which software calibrations constitute AECDs or Defeat Devices.
14. All documents reflecting guidance or information provided to manufacturers about evaluating the potential emissions impact of interactions amongst AECDs when developing an emissions calibration.
15. All documents reflecting guidance or information provided to manufacturers about the exercise of good engineering judgment when developing off-cycle calibrations.
16. All documents concerning the concept of "frail design."
17. All documents concerning methodologies or approaches to calculating excess emissions in mobile source enforcement cases.

18. All communications with any member of the media,⁴ including David Tracy, Staff Writer at Jalopnik (the news and opinion website concerning the automotive industry), concerning AECDs, Defeat Devices, FCA, the Vehicles, or Light-Duty Diesel Vehicles.

* * *

Please produce all copies of responsive documents in their entirety, including all attachments, enclosures, and exhibits, and please provide documents as they are located and copied, rather than waiting until all responsive documents are found.

In the event that you determine that a document contains material or information that falls within the statutory exemptions to mandatory disclosure, please cite the specific exemption(s) upon which the denial is based, and please review such material for possible discretionary disclosure. In accordance with the provisions of 5 U.S.C. § 552(b), please produce all segregable portions of any otherwise exempt document.

FCA US's fee category is commercial, and FCA US agrees to pay all reasonable costs incurred in processing this request, including all reasonable search, review, and production costs.

Although a written reply is requested and expected, if you have any questions about this request or require any further information, please contact me at (212) 558-3551. We very much appreciate your prompt consideration of this request.

Sincerely,

Thomas E. White / DSM

Thomas C. White

⁴ A member of the media is any person or organization that gathers, reports, publishes, transmits, or broadcasts news or information for public dissemination, including any person or organization that publishes, transmits, or broadcasts any magazine, periodical, book, newspaper, pamphlet, television program, radio program, website, brochure, flier, marketing material, subscription email service, RSS feed, electronic bulletin board and/or discussion group, mailing, letter, leaflet, press release or clipping, podcast, blog, journal, news service, or trade paper.

APPENDIX A

1. Joel Dalton (General Engineer, Compliance Division, OTAQ)
2. Joel Ball (Environmental Protection Specialist, Compliance Division, OTAQ)
3. Linc Wehrly (Center Director, Light-Duty Vehicle Center, Compliance Division, OTAQ)
4. Byron Bunker (Director, Compliance Division, OTAQ)
5. Christopher Grundler (Director, National Vehicle and Fuel Emissions Laboratory, OTAQ)
6. Gina McCarthy (former EPA Administrator)
7. Scott Pruitt (former EPA Administrator)
8. Andrew Wheeler (acting EPA Administrator)
9. Evan Belser (Chief, Mobile Source Enforcement Air Enforcement Division, EPA Office of Enforcement and Compliance Assurance ("OECA"))
10. Philip A. Brooks (Director, Air Enforcement Division, OECA)
11. Kathryn Pirrotta Caballero (Senior Attorney, Air Enforcement Division, OECA)
12. Cynthia Giles (Assistant Administrator, OECA)